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PATENT
Attorney Docket N° 98-0865 (P1397US00)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Technology Center 2100

In re Application of : Kim C. Smith
Serial N° : 09/421,580
Filed : October 20, 1999
Group Art Unit : 2174
Examiner : Mylinh T. Tran
For : SIMULATED THREE-DIMENSIONAL NAVIGATIONAL
MENU SYSTEM

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF SUPPLEMENTAL APPEAL BRIEF

CERTIFICATE OF MAILING 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service on December 1, 2003, in a First Class envelope, with sufficient postage thereon, addressed to: MS Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

ReNea D. Berggren

DATED: December 1, 2003

Please find enclosed herewith three (3) copies of *Supplemental Appeal Brief*.

Applicant respectfully requests reinstatement of the appeal filed June 17, 2003. This is a Response, by way of *Supplemental Appellant's Brief*, to the *Office Action* dated October 9, 2003 rejecting Claims 1-7, 10-20, 23-33, 36-46, and 49-76. This is an appeal from the *Final Office Action* dated May 6, 2003, finally rejecting claims 1-76.

While it is believed that no fees are due, in the event that the Commissioner determines that any fees are required, the Commissioner is hereby authorized to charge any such fees and to credit any overpayment to Deposit Account N° 50-0439.

Please address all correspondence to:

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DATED: December 1, 2003.

Respectfully submitted,

Gateway, Inc.,

By Walter J. Malinowski

Walter J. Malinowski

Reg. N^o 43,423